

# A T T O R N E Y S

HILLS CENTER BUSINESS PARK

1935 VILLAGE CENTER CIRCLE

LAS VEGAS, NEVADA 89134

**TEL (702) 252-5002 • FAX (702) 252-5006**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

) CASE NO. 2:11-cv-01799-LRH-NJK

)

)

)

i

)

)

)

)

;

)

)

)

)

;

)

)

)

Defendants JPMorgan Chase Bank, N.A., individually and as an acquirer of certain assets and liabilities of Washington Mutual Bank, F.A. from the Federal Deposit Insurance Corporation, acting as receiver, and California Reconveyance Company (collectively, “Defendants”), by and through their counsel, Smith Larsen & Wixom, hereby file their response (the “Response”) to

1 Plaintiff's Motion to Amend Complaint (Docket No. 32) (the "Motion to Amend" or "Motion").


2 This Response is supported by the following Memorandum of Points and Authorities, the  
3 record herein, and any argument the Court may consider at a hearing hereon.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 Defendants do not oppose Plaintiff's request to file the proposed Second Amended  
6 Complaint for Declaratory Judgment (the "Amended Complaint") attached to her Motion, so long  
7 as the same then becomes the operative complaint herein so as to allow the case to move forward.  
8 Notably, this latest Motion to Amend constitutes the fifth time that Plaintiff has sought leave to  
9 amend the complaint since this action was filed over a year ago. (See Docket Nos. 10, 16, 18, and  
10 29.) Defendants should not be forced to wait patiently while Plaintiff tries to decide which claims  
11 she intends to assert against them. It is well past time for this case to proceed past the initial  
12 pleading stage, as it appears Plaintiff is filing amended pleading after amended pleading merely as  
13 a delay tactic. Accordingly, to the extent the Motion is granted, Defendants respectfully submit  
14 that Plaintiff should not be allowed any further amendments at least until Defendants are afforded  
15 an opportunity to file a responsive pleading.  
16  
17

18 DATED this 10 day of January, 2013.

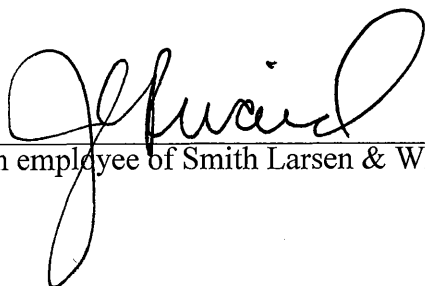
19 SMITH LARSEN & WIXOM

20  
21   
22 Kent F. Larsen, Esq.  
23 Nevada Bar No. 3463  
24 Katie M. Weber, Esq.  
25 Nevada Bar No. 11736  
26 1935 Village Center Circle  
27 Las Vegas, Nevada 89134  
28 Attorneys for Defendants  
JPMorgan Chase Bank, N.A., individually  
and as an acquirer of certain assets and liabilities of  
Washington Mutual Bank, FA from the FDIC,  
acting as receiver, and California Reconveyance  
Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 10 day of January, 2013, a true copy of the foregoing **Defendants' Response to Plaintiff's Motion to Amend Complaint (Docket No. 32)** was filed electronically via the court's CM/ECF system and served by mail, postage prepaid, to the following:

Hanh Nguyen  
2131 E. Camero Ave.  
Las Vegas, NV 89123  
Plaintiff in Pro Per

  
an employee of Smith Larsen & Wixom

**SMITH LARSEN & WIXOM**

A T T O R N E Y S  
HILLS CENTER BUSINESS PARK  
1985 VILLAGE CENTER CIRCLE  
LAS VEGAS, NEVADA 89134  
TEL (702) 252-5003 • FAX (702) 252-5006